

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO**

JUAN JOEL GARCIA,

Applicant,

v.

CV 08-0881 BB/KBM

STATE OF NEW MEXICO, et al.,

Respondents.

**ORDER**

The Court having entertained this habeas corpus proceeding in forma pauperis pursuant to 28 U.S.C. § 2254 and 28 U.S.C. § 1915, and the Court having determined that the application is not subject to summary dismissal;

IT IS THEREFORE ORDERED that the Clerk shall substitute Tim Hatch, Warden, as the named Respondent, and this Order shall be served on the Respondent.

IT IS FURTHER ORDERED that Respondent shall answer said application within thirty (30) days from the date of service of this Order. Respondent's answer shall advise, but is not limited to, whether the Applicant has exhausted his state court remedies as to the issues raised in the federal application. In each case, Respondent shall attach to its answer copies of any pleading pertinent to the issue of exhaustion which was filed by Applicant in the sentencing court, the state district court, the state court of appeals and the state supreme court, together with copies of all memoranda filed by both parties in support of or in response to those pleadings. Respondent shall also attach to the answer copies of all state court findings and conclusions, docketing statements and opinions issued in Applicant's state court post-conviction or appellate proceedings. In the event Respondent denies exhaustion, Respondent shall identify the state procedures currently available to Applicant given the

nature of Applicant's claims and their procedural history.

IT IS FURTHER ORDERED that until such time as Applicant may be represented by counsel the Clerk shall forward to Applicant a copy of this Order and any subsequent orders, pleadings and supporting papers filed in this proceeding.

  
UNITED STATES MAGISTRATE JUDGE